BOMBAY ACT No. I OF 1884.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 21st March, 1884.*)

An Act to make better provision for the Administration of Local Funds in the Presidency of Bombay.

WHEREAS it is expedient to amend the law relating to the administration of local funds by district and táluqá committees; It is enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called the Bombay Local Boards Act, 1884.

Local extent.

It extends to the whole of the Presidency of Bombay, except the City of Bombay and Aden.

Repealing section.

2. From the date notified by the Governor in Council under section 13 for each district the enactments mentioned in the schedule[a] shall be repealed in such district to the extent specified in the third column thereof, but not so as to render invalid anything done in accordance with any of them:

Provided that—

all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the committee or authority heretofore charged, in the local area over which the authority of any local board established under this Act extends, with the administration of local funds under Bombay Act VIII of 1865[b] (which Act may be called "The Sindh Local Funds Act, 1865,") or the Bombay Local Funds Act, 1869,[c] shall be deemed to have been incurred, entered into or engaged to be done by, with or for the local board so established; Bom. III of 1869.

and all sums of money due to the said committee or authority shall be deemed to be due to the said local board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted by or against any such committee or authority may be continued or instituted, by or against the said local board;

and all rules or orders made under any enactment hereby repealed and all other rules, if any, now in force and relating to any of the matters hereinafter dealt with shall, so far as they are consistent with this Act, be deemed to have been made hereunder.

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[a] Words repealed by Bom. Act III of 1886 are omitted.
[b] Printed in Vol. II of this Code, p. 81.
[c] Printed in Vol. II of this Code, p. 133.

Interpretation-section.

3. In this Act, unless there be something repugnant in the subject or context,—

(1) the term "official Gazette" means, in Sindh, the Sindh Official Gazette, and elsewhere the Bombay Government Gazette:

(2) [*Definition of Commissioner.*] *Repealed by Bom. Act III of 1886, s. 2.*

(3) the words "salaried servant of Government" do not include a retired servant of Government in receipt of a pension:

(4) the word "táluqá" means any local area for which a táluqá local board is established, inclusive of the portion of such area, if any, for the time being within a municipal district or a military cantonment:

Expressions defined in the Land-revenue Code.

(5) any word or expression which is defined in the Bombay Land-revenue Code, 1879[*], and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code.

Bom. V of 1879.

II.—Of Local Boards.

Constitution of the Boards.

Establishment of district and táluqá local boards.

4. Local funds shall be administered by local boards established for this purpose as hereinafter provided. There shall be one local board for each district and also one for each táluqá as constituted under the Bombay Land-revenue Code, 1879 [*], or for such area consisting of one or more such táluqás or portions of such táluqás as the Governor in Council shall deem fit.

Local extent of the board's authority.

Each district local board shall have authority for the purposes of this Act over the entire district and each táluqá local board over the entire táluqá for which they are respectively established, except such portions thereof as are for the time being within a municipal district or a military cantonment.

Constitution of local boards.

5. Every district and táluqá local board shall consist of—

(*a*) elective members, and

(*b*) such persons, if any, as the Governor in Council or any officer whom he authorizes in this behalf from time to time appoints, who shall be called "nominated members":

Provided that the number of elective members shall be not less than one-half of the whole board exclusive of the president, and that not more than one-half of the nominated members shall be salaried servants of Government.

Elective members of táluqá local boards by whom to be elected.

6. The elective members of táluqá local boards shall be as follows:—

(*a*) one member for each municipal district within the táluqá for which a táluqá local board has been established containing more than five

[*] Printed in Vol. II of this Code, p. 303.

thousand inhabitants, elected by the commissioners of such district from amongst their own number;

(*b*) one member (qualified as hereinafter provided) for each of the several groups into which for the purposes of this clause the Governor in Council shall from time to time deem fit to cause the villages in the area subject to the authority of such board to be divided, elected by persons qualified, as hereinafter provided, to vote at such elections;

(*c*) one member elected by the holders of entire alienated villages, if any, within the táluqá, from amongst their own number or, if there is but one such holder in the táluqá, such holder himself or any person whom he nominates as his representative.

Elective members of district local boards by whom to be elected.

7. The elective members of district local boards shall be as follows:—

(*a*) one member or, if Government so direct, two or more members for each táluqá local board in the district, or one member for two or more táluqá local boards in the district, united for this purpose into a joint board, elected by the members of such board or joint board from amongst their own number;

(*b*) one member for each municipal district within the district containing not less than eighteen thousand inhabitants elected by the commissioners of such district from among their own number;

(*c*) one member elected by the holders of entire alienated villages, if any, within the district, from amongst their own number, or, if there is but one such holder in the district, such holder himself, or any person whom he nominates as his representative:

Provided that the person to be elected by any táluqá local board under clause (*a*) may not be a Mámlatdár having jurisdiction in the area subject to the authority of such board.

Constitution of local boards in exceptional parts.

8. The Governor in Council may at any time, by notification in the Bombay Government Gazette, direct that the provisions of sections 5, 6 and 7, and the subsequent provisions of this Act which refer to those sections or any one or more of the said provisions, shall not apply to the local board of any district or táluqá to which for exceptional reasons, which shall be set forth in the said notification, he shall deem such provisions to be unsuitable.

In the said notification or any subsequent notification published as aforesaid the Governor in Council may prescribe such provision or provisions as he deems fit in substitution for the provision or provisions declared inapplicable to any local board, and the provision or provisions so prescribed shall have effect, so far as concerns such board, as if the same were inserted in this Act.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section, and in the event of any notification under the first paragraph being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by the Governor in Council, be constituted in accordance with sections 5, 6 and 7 and the subsequent provisions of this Act having reference thereto.

Incorporation of local boards.

9. Every local board shall be a body corporate by the name of "The District Local Board of " or "The Táluqá Local Board of ", as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by them, and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immoveable property for a term exceeding three years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Qualifications and Disqualifications of Members.

Qualifications necessary for certain members of táluqá local boards.

10. Unless disqualified on any of the grounds set forth in the next following section, the following persons shall be entitled to have their names entered in the List No. I, to be prepared as hereinafter provided, qualifying them to be elected under section 6 (*b*) members of a táluqá local board, namely:—

(*1*) landholders, whose holdings situate within the táluqá are assessed (or, in the case of alienated lands, would be assessed, if they were not alienated) to the land-revenue at not less than forty-eight rupees per annum or such smaller minimum as the Governor in Council shall from time to time prescribe for each táluqá;

(*2*) persons who own immoveable property within the táluqá, other than a holding described in clause (*1*) of this section, estimated by the Collector to be not less than five thousand rupees in value;

(*3*) persons, residing within the táluqá, whose annual net earnings from any occupation are estimated by the Collector to be not less than five hundred rupees;

(*4*) pensioned Government servants, residing within the táluqá, whose pensions are not less than rupees fifty per mensem;

(5) honorary magistrates residing within the táluqá;

(6) officiating revenue or police patels of villages within the táluqá:

(7) such other persons, if any, residing within the táluqá, as the Governor in Council shall from time to time, by notification in the official Gazette, direct.

General disqualifications.

11. No female and no person—

(*a*) who is less than twenty-one years of age, or

(*b*) who is a District or a Subordinate Judge or is acting in either of those capacities, or

[a] (*c*) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf,

(*d*) who is an uncertificated bankrupt or an undischarged insolvent,

may be a member of a local board;

and no person—

(*e*) who is a subordinate officer or servant of a local board, or

(*f*) who has directly or indirectly any share or interest in any work done by order of a local board, or in any contract or employment with or under a local board,

may be a member of such board;

and any member of a local board who, during the term for which he has been elected or appointed,—

(*g*) becomes disqualified for any of the above reasons, or

(*h*) is absent for more than four consecutive months from the limits of the district in which the board is established,

shall cease to be a member and his office shall become vacant.

Re-eligibility of members.

12. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Terms of Office; Casual Vacancies.

First local boards from what date to take office.

13. The members of the first local boards to be established under this Act shall commence their terms of office on such date[b] as shall be notified in this behalf for each district by the Governor in Council.

[a] This clause was substituted for the original cl. (*c*) by Bom. Act IV of 1885, s. 1.
[b] Dates have been notified under s. 13 for all districts.

Term of office.

14. Except as is otherwise provided in the next following section, members of local boards shall, unless they become in the meantime disqualified, hold office for a term of three years, [a]extensible, by order of the Governor in Council, to a term not exceeding in the aggregate three years and six months, if on any occasion the Governor in Council shall think fit, for reasons which shall be notified, together with the order, in the Bombay Government Gazette, so to extend the same[a].

Casual vacancies how to be filled up.

15. In the event of the death, resignation or disqualification of a member of a local board or of his becoming incapable of acting previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Elections of Members.

Elections when to be held.

16. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf: Provided that when the elections are for the first boards to be established in any local area under this Act or for filling the places of members whose terms of office have expired such dates shall be—

(*a*) if the elections are under section 7 (*a*), as early as conveniently may be after the elections and appointments to the táluqá local boards by which such elections are to be made are completed, and before the commencement of the term of office of the district local board to which such elections are to be made;

(*b*) in any other case, not sooner than three months and not later than one month before the commencement of the term of office of the members of the board to which such elections are to be made.

Elections under sections 6 (*c*) and 7 (*c*) how to be conducted.

17. The Collector shall, subject to the orders of Government, from time to time determine what persons are entitled to vote and what persons are qualified to be elected under section 6 (*c*) and section 7 (*c*), respectively, and his decision shall be conclusive.

When an election has to be made under section 6 (*c*) or section 7 (*c*), the Collector shall, not less then ten days before the date fixed for the election cause a list of the persons qualified to be elected to be left at the usua

[a-a] These words were added by Bom. Act I of 1888, s. 1.

residence of each of the persons entitled to vote at such election, together with a notice inviting the last named persons, before the day fixed for the election, to make each a written return to him of the name of any one of the persons mentioned in the said list for whom they wish to vote.

On the day fixed for the election, or as soon as may be thereafter, the Collector shall inspect all returns duly made as aforesaid, and shall record in writing under his signature the result of the election.

What persons may be voters at elections of members of táluqá local boards under section 6 (*b*).

18. Unless disqualified under the next following section, the following persons shall be entitled to have their names entered in the List No. II, to be prepared as hereinafter provided, qualifying them to vote at elections of members of táluqá local boards under clause (*b*) of section 6, namely :—

(*1*) every person possessing the qualifications described in any of the clauses (1) to (7) of section 10 : Provided that such person resides within the group of villages for which such list is prepared and that, if his qualification is under clause (*1*) or clause (*2*) of that section, the holding or immoveable property in respect of which he is so qualified is without the limits of a municipal district containing more than five thousand inhabitants ;

(*2*) all other persons, if any, residing within the group of villages for which the list is to be prepared to whom the Governor in Council shall by notification in the official Gazette from time to time deem fit to extend the franchise :

Provided always that no alteration in, or addition to, the qualifications entitling persons as aforesaid, made at any time after the first elections have been held in any district under section 6 (*b*), shall take effect in such district within six months from the date on which such alteration or addition is made.

General disqualifications.

19. No person who is less than twenty-one years of age shall be entitled to have his name entered in the said List No. II.

Preparation of lists of persons qualified to be members of táluqá local boards and of voters.

20. The Collector shall, as soon as may be after the coming into force of this Act, prepare—

(*a*) a list (which shall be called "List No. I"), for each táluqá, of the persons qualified to be members of the local board of that táluqá ; and

(*b*) a list (which shall be called "List No. II"), for each of the groups of villages into which for the purposes of clause (*b*) of section 6 the area subject to the authority of the said board has been divided, of the persons qualified to vote in such group at elections of members of the táluqá local board under the said clause.

The said lists shall be prepared in the first instance from such information as shall be available in the records of the Collector and of the officers subordinate to him.

Similar new lists shall be prepared by the Collector whenever Government so direct and at least once in every three years; and such new lists shall be based upon information available as aforesaid and also upon the past decisions of the Collector under section 22.

Publication of the lists.

21. The lists so prepared shall be published by affixing a copy of each of them in some conspicuous place in or near the office of the Mámlatdár, or of each Mámlatdár having jurisdiction in the táluqá to which they relate, and by affixing in the chávdí or some other public building of each town or village in the táluqá a copy of List No. I and of so much of List No. II as affects such town or village.

The publication aforesaid shall be made in the vernacular language of the táluqá and at least two months before the date fixed for the election of members to the first local board to be established in the táluqá, and thereafter at least two months before the date fixed for any election of persons to fill the places of members whose terms of office have expired.

Revision of lists.

22. The Collector may, on application being made to him at any time within one month after the publication of the lists aforesaid by any person claiming to be qualified to be a member, or to vote at an election of members of the táluqá local board, correct any erroneous entry in either of the said lists, or insert therein the name of any applicant who satisfies him of his right to have it so entered.

Lists conclusive evidence of right to be elected or to vote.

23. No person whose name is not in the revised List No. I last published before the date of any election under clause (*b*) of section 6 shall be qualified to be elected a member of the táluqá local board for the táluqá to which it refers;

and no person whose name is not in the revised List No. II last published before the date of any such election for any group of villages shall be qualified to vote at the election of a member for such group.

Provisions for particular cases.

24. If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, the selection of one of such persons shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as the Collector, or the officer so empowered, shall deem fit.

If the person in whose favour the highest number of votes is recorded at any such election declines to take office, the person, if any, in whose favour the

next highest number of votes has been recorded and willing to take office shall be deemed to be the member elected.

If at any election no votes are recorded, or if for any reason the election does not result in the return of any qualified person willing to take office, the Collector in the case of a táluqá local board, and the Commissioner in the case of a district local board, shall, with the approval of Government, appoint some person who would have been qualified to be elected, and the person so appointed shall be deemed to be a member of the local board as if he had been duly elected.

Determination of validity of elections.

25. If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under the last preceding section, is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within fifteen days after the date of the declaration of the result of the election, or the date of the proceeding or order, apply to the District Judge of the district within which the election has been or should have been held.

The District Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or the order of the Collector under the last preceding section, or for setting the election aside.

For the purposes of the said inquiry the District Judge may exercise any of the powers of a Civil Court, and his decision shall be conclusive.

If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Publication of names of members in the official Gazette.

26. The names of all members finally elected to any local board, as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the official Gazette.

Presidents and Vice-Presidents.

Nomination of presidents;

27. Every local board shall be presided over by a president, who shall be one of the members of the local board and shall be appointed by the Government or, if the Governor in Council so directs, elected by the local board.

and of vice-presidents.

If the president so appointed or elected is a salaried servant of Government, the board shall elect one of its members to be vice-president; unless the Governor in Council otherwise directs, no appointment of a vice-president shall be valid until it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Their term of office and

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a member of the local board over which he

presides: Provided that he shall be removeable from office, as such president or vice-president, by the Government for misconduct, or neglect of, or incapacity to perform, his duty. Liability to be removed.

In the event of the death, resignation or removal from office of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other member of the board thereto. Casual vacancies in their office how to be filled up.

28. The president of a local board shall— Functions of presidents.

(*a*) preside at the meetings of the board;

(*b*) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board; and, subject to the regulations at the time being in force framed by the board under section 39, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the board and any extract from the minutes of the board's proceedings, or other document or thing, which the Collector may from time to time call for under section 62.

When the president of a board is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any question which comes before such board for decision unless there is an equality of votes of the other members of the board present for and against the proposition under consideration, in which case he shall have a casting vote. President in certain cases to have only a casting vote.

29. Vice-presidents of local boards shall— Functions of vice-presidents.

(*a*) in the absence of the president preside at the meetings of the board; and

(*b*) exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him.

Duties of Local Boards.

Obligatory duties.

30. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely :—

(*a*) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them ;

(*b*) the construction and repair of hospitals, dispensaries, markets, dharmsálas and other public buildings, and the visiting, management and maintenance of these institutions ;

(*c*) the construction and repair of public tanks, wells and water-works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution ;

(*d*) the provision of suitable accommodation for, the visiting and maintenance of, and the training of teachers for, primary schools, and the general development and extension of primary education ;

(*e*) public vaccination and sanitary works and measures necessary for the public health ;

(*f*) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards ; and

(*g*) the maintenance of any property vesting in them ;

Discretionary powers of expenditure.

and local boards may at their discretion provide out of the said fund for the following matters, namely :—

(*h*) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, and the introduction and preservation of fish ;

(*i*) the establishment and maintenance of relief and local relief works in time of famine or scarcity ;

(*j*) educational objects other than those set forth in clause (*d*) of this section ; and

(*k*) any other local works or measures likely to promote the health, comfort or convenience of the public.

Relative duties of táluqá and district local boards.

31. Subject to the control of the district local board and, as regards educational matters, to the provisions of section 48, clause (*b*), each táluqá local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained

at its cost, and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each táluqá local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

Conduct of Business.

Provisions regulating local boards' proceedings.

32. The following provisions shall be observed with respect to the proceedings of a local board, namely :—

Board to meet together and arrange for transaction of business.

(*a*) The board shall meet together and shall from time to time make regulations, consistent with this Act, and with any rules or orders made by Government under section 69 with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely :—

Special meetings.

(1) that the president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members, call a special meeting ;

Quorum.

(2) that no business shall be transacted at any meeting unless at least one-third of the members are present from the beginning to the end of such meeting ;

Meetings to be ordinarily open to the public.

(3) that every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings ;

Meeting to be presided over by the president.

(4) that every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and, if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion ;

Questions to be decided

(5) that, except as is otherwise provided in section 28, all questions shall be decided by a majority of votes of the members present,

by a majority of votes.

the president, vice-president or chairman, having a second or casting vote in all cases of equality of votes;

Board may delegate their functions to committees.

(6) that the board may delegate any of their duties or powers to committees consisting of such members as they think fit; and that any committee so formed shall conform to any instructions that may from time to time be given to them by the board, and the board may at any time discontinue or alter the constitution of any committee so formed;

Committees' meetings to be presided over by a chairman.

(7) that a committee may elect a chairman of their meetings, and if no such chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting;

Committees to meet when they think proper.

(8) that committees may meet and adjourn as they think proper, but the president of the board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee;

Questions to be decided by a majority of votes.

(9) that questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from beginning to the end thereof;

Notice to be given to certain officers.

(10) that, except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 61 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted at any meeting of a local board or of a committee, unless at least fifteen days previous to such meeting a letter has been addressed to any officer of the Government Public Works and Educational Departments, respectively, who is not a member of the board but is entitled under section 33 to be present at such meeting, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business;

Minutes of proceedings.

(11) that minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 33, and of the proceedings at each meeting of the board and

each committee's meeting, and, if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district ;

(12) that every regulation made under this section by a táluqá local board shall be subject to the approval of the district local board to which such táluqá local board is subordinate.

Regulations of táluqá board subject to approval of district board.

(*b*) During any vacancy in the board, the continuing members may act as if no vacancy had occurred.

Vacancy not to affect board's proceedings.

(*c*) No act of the board, or of any committee, or of any person acting as a member or as a president, vice-president or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, committee, president, vice-president, chairman or member, or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention to hold a meeting of a board or of a committee was not duly given, or for any other such mere informality.

Acts of board, etc., not to be invalidated by informalities.

33. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district, when charged with any of the duties of a health officer therein, if not members of a district local board, shall have the right of being present at any meeting of the said board, or of any committee thereof, and, with the consent of the board or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee : Provided that the said officers shall not, unless they are members of the board, be entitled to vote upon any such question.

Certain Government officers may attend meetings of district local boards ;

Any officer of the Government Public Works Department not lower in rank than an overseer employed in a táluqá, and any officer of the Government Educational Department not lower in rank than the Deputy Educational Inspector of a táluqá, may, under the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the táluqá local board of such táluqá or of any committee of the said board.

and certain Government officers may attend meetings of táluqá local boards.

If it shall appear to a district local board or to a táluqá local board that the

Local

boards may require the presence of the said officers at their meetings.

presence of any of the above officers, respectively, is desirable for the purpose aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting.

President may circulate written propositions.

34. Whenever it appears to the president of a local board, or to the chairman of a committee, unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members.

Previous to circulating any such proposition for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (10) of section 32, shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 33 to be present at any meeting at which such proposition might be considered, desires to record.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (1) or clause (8) of section 32.

Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (11) of section 32.

Mode of executing contracts.

35. The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a táluqá local board.

Every other contract or agreement on behalf of a local board shall be in writing and shall be signed by the president and by two other members of the board and shall be sealed with the common seal of the board.

No contract or agreement not executed as in this section provided shall be binding on a local board.

Joint Committees.

Joint committees of two or more local bodies.

36. A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment committee, or with more than one such local board, municipality or committee—

(*a*) in appointing out of their respective bodies a joint committee for

any purpose in which they are jointly interested and in appointing a chairman of such committee; and

(*b*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*c*) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of Government shall be final.

Personal liability of Members.

Local funds ordinarily liable for a costs and expenses incurred by boards,

37. Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each local board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

but members to be held responsible for misapplied funds.

Provided that every member of a local board shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a member, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of the Government.

III.—Of the Officers and Servants of Local Boards.

Schedule of establishment to be prepared and sanctioned by district local boards.

38. Every district local board may engage and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the táluqá local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties, and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

Until a schedule is prepared and sanctioned under this section the establishment, if any, entertained in any district for the administration of local funds on the day previous to the date notified by the Governor in

Council under section 13 for each district shall be deemed to have been duly sanctioned and appointed under the foregoing provisions for such district.

Local boards to frame regulations—

39. Every district local board may from time to time frame regulations—

for fixing the amount of the security to be furnished;

(*a*) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security;

for regulating leave;

(*b*) for regulating the grant of leave to the permanent officers and servants maintained by the board;

for settling absentee allowances;

(*c*) for authorising the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

for fixing acting allowances;

(*d*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

for regulating length of service;

(*e*) for regulating the period of service of all such officers and servants;

for fixing pensions, etc.;

(*f*) for determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances;

for contributing to provident funds;

(*g*) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants:

Provided that—

(*h*) if an officer is lent to any local board by the Government, or if an officer is employed partly in the service of Government and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by the rules in this behalf from time to time in force, and shall not, except with the assent of Government, dispense with his further services at any time without giving the Government six months' previous notice;

as to approval of regulations by Government.

(*j*) no regulation made by any district local board under this section shall have effect unless and until it has been approved by the Governor in Council.

Punishment and dismissal of officers and servants.

40. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under the last preceding section and to any rule or order made by the Governor in Council under section 69, vest in the said board.

(*IV.—Of the Property and Liabilities of Local Boards. Secs. 41-43. V.—Of Revenue and Expenditure. Sec. 44.*)

IV.—Of the Property and Liabilities of Local Boards.

Vesting of Property.

Transfer to local boards of property and assets of superseded committees.

41. All such immoveable and other property as is held by or in trust for any committee for the purposes of the Bombay Local Funds Act, 1869 [a], or the Sindh Local Funds Act, 1865 [b], shall, upon and after the date notified by the Governor in Council under section 13 for each district, vest in the district local board or the táluqá local board established hereunder having authority over the same local area to which such committee's functions extended, but subject to all charges and liabilities affecting the same.

Bom. III of 1869.
Bom. VIII of 1865.

It shall be competent to the Governor in Council from time to time to direct whether any such property as aforesaid shall vest in the district local board or the táluqá local board having authority as aforesaid, and any such direction of the Governor in Council shall be conclusive.

Vesting of future local works.

42. [c] Every road, building, or other work constructed by a local board shall vest in the board by which it has been constructed.

Liabilities.

Distribution of existing liabilities between district and táluqá local boards.

43. It shall be competent to the Governor in Council from time to time to direct whether the liability for any such debt or other obligation, or any such contract, matter or thing as is described in the proviso to section 2, shall fall upon the district local board or the táluqá local board having authority in the local area in which such debt or other obligation was incurred, or such contract entered into, or such matter or thing engaged to be done, and any such direction of the Governor in Council shall be conclusive.

V.—Of Revenue and Expenditure.

Local Funds.

Local funds where to be kept and of what to consist.

44. There shall be formed in each district a fund which shall be called "The Local Fund" and which shall be kept in the Government treasury.

To it shall be credited—

(*a*) in Sindh, the net proceeds (after deducting the expenses of assessment and collection) of the cess on land and of the shop-tax levied under the Sindh Local Funds Act, 1865 [b];

Bom. VIII of 1865.

[a] Printed in Vol. II of this Code, p. 133.
[b] Printed in Vol. II of this Code, p. 81.
[c] The first paragraph of s. 42, which was repealed by Bom. Act IV of 1885, s. 2, is omitted.

(*b*) elsewhere, the net proceeds (after deducting the expenses of assessment and collection) of the cess levied under the Bombay Local Funds Act, 1869[a], in the district; and Bom. III of 1869.

wherever this Act is in force—

(*c*) the net proceeds (after deducting the expenses, if any, of collection and of the maintenance of the ferries) of all public ferries established in the district under the Bombay Ferries Act, 1868 [a], and all penalties inflicted and levied under the said Act in the district; and Bom. II of 1868.

(*d*) the net proceeds (after deducting the expenses, if any, of collection) of all tolls and leases of tolls on roads and bridges vested in the local boards under section 41[b], or constructed by the local boards at the cost of the local fund under this Act, levied in the district under Bombay Act III of 1875[a]; and

(*e*) such portion of the net proceeds of fees, fines and penalties levied under Bombay Act VIII of 1866[a] (*an Act to regulate and restrict the sale of poisons in the Bombay Presidency*) as the Collector, under section 10 of the said Act, from time to time directs; and

(*f*) the proceeds of all fees levied in the district under the Bombay Land revenue Code, 1879[a], for permission to remove sand or to quarry; and Bom. V. of 1879.

(*g*) all sums placed by Government to the credit of the fund under section 1 (*b*) of Act XVIII of 1883 [c] or otherwise, or contributed by private persons; and

(*h*) all sums received by any local board in the district in execution of this Act:

Provided that, when a public ferry, road or bridge is partly in one district and partly in another, the Governor in Council may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge, as he shall think fit.

Local funds by what boards to be expended.

45. The local fund of a district shall be available for expenditure for any of the purposes of this Act as follows, namely:—

(*a*) by or under the direction of each táluqá local board—

(1) the whole of the sums described in clauses (*e*) and (*f*) of the last preceding section levied in the táluqá; and

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[a] Printed in Vol. II of this Code.

[b] Portion repealed by Act XVI of 1895 is omitted.

[c] Act XVIII of 1883 was repealed by Act I of 1891, s. 10. See now Act I of 1871, s. 31, enacted by Act I of 1891, s. 9. (A revised edition of Act I of 1871, as modified up to 1st March, 1891, has been published by the Legislative Department.)

(2) the portion accruing within the area subject to the authority of such board of any sums which may be placed by Government to the credit of the fund under section 1 (*b*) of Act XVIII of 1883 [a]; and

(3) all other sums placed to the credit of the fund by the Government or contributed by private persons for expenditure by such board within the area subject to its authority; and

(4) all sums described in clause (*k*) of the last preceding section received by it or on its account; and

(5) the balance of the revenue described in clause (*a*) or clause (*b*) of the last preceding section levied in the area subject to its authority, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 48 and for such share of the charges payable by the district local board under sections 46 and 49 as the said board shall deem equitable;

(*b*) by or under the direction of the district local board, the remaining portion of the fund.

Expenditure by the local boards out of the local fund shall ordinarily be made within the areas respectively subject to their authority only, but may, with the sanction of Government and for the use or benefit of the said area, be made outside of that area on any of the purposes of this Act.

General charges to be defrayed by district local boards.

46. Every district local board shall, from the portion of the local fund at its disposal, defray—

(*a*) the salaries and other emoluments of all officers and servants maintained under section 38, and the pensions or other retiring allowances, if any, of such officers and servants;

(*b*) the expenses attending the audit of the accounts of the local boards of the district as hereinafter provided; and

(*c*) such sum as shall from time to time be fixed by Government for the payment of the salaries, allowances and contributions for pension, according to the rules from time to time prescribed by Government, of any officers or servants employed in any Government office or elsewhere on the business of the local boards of the district, and of the incidental expenses, if any, incurred by Government or any of the officers of Government in the district, for any of the purposes of this Act.

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[a] See foot-note [a] on last preceding page.

Assignments of certain portions to municipalities or cantonment committees.

47. Every district local board shall assign and cause to be paid to every municipality and cantonment committee within the district for which such board has been established, out of the district local fund, a sum equal to two-thirds of the amount of revenue described in clause (*a*) or clause (*b*) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee the whole of the said amount (which amount shall, at the request of the district local board, be ascertained and certified by the Collector).

The sum so assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 30, or for the rumuneration of officers and servants whom they entertain for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in clause (*a*) or clause (*b*) of section 44 levied from lands or shops within the municipal district or cantonment subject to such municipality or committee shall be expended by it for educational purposes only as defined in section 30, clause (*d*).

Expenditure for educational purposes to be made by district local boards only.

48. In every district the expenditure from the local fund for educational purposes as defined in section 30, clauses (*d*) and (*j*), shall be made by the district local board only, and for this purpose a sum equal to not less than one-third of the revenue described in clause (*a*) or clause (*b*) of section 44 (after deducting one-third of the amount thereof levied from lands or shops in any municipal district or cantonment), shall be set apart by the said board for expenditure by it on the said purposes: Provided—

(*a*) that no portion of the revenue so set apart levied in the area subject to the authority of any táluqá local board shall, except with such board's consent, be expended out of the said area; and

(*b*) that the charges to be necessarily defrayed by each district local board on account of primary education, the extent of the independent authority of district and táluqá local boards in respect of education and their relations generally with the Government Educational Department and to each other in educational matters shall be from time to time prescribed by the Governor in Council.

The provisions of clause (*b*) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 47 for educational purposes.

Provisions

49. The responsibility of district and táluqá local boards, respectively, for

expenditure in respect of matters other than education shall be determined in accordance with the following provisions, namely :— for determining by which boards expenditure should be incurred for other purposes.

(*a*) each local board shall be responsible for the maintenance of any building or other property which vests in it and of any work which has been executed at its cost ;

(*b*) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more táluqás are, or may be, interested ;

(*c*) táluqá local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local and for all local services and institutions not maintained by the district local board ;

(*d*) large works of the nature described in the last preceding clause, which are beyond the means at the disposal of a táluqá local board, may be undertaken by the district local board at its own cost, or the district local board may assist the táluqá local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the táluqá local board or by private persons, or by both.

If a difference of opinion arises between a district and a táluqá local board as to which board is responsible for any charge or any work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.

How the local fund shall be drawn against.

50. Subject to the provisions of sections 65, 66 and 67, no payment shall be made from the Government treasury out of a local fund except upon a cheque or letter of credit signed by the president and one other member of the local board which requires such payment.

Payment of any sum in excess of fifty rupees shall be made by a local board by means of a cheque [a]or of a letter of credit[a] signed as aforesaid and not in any other way.

Sums not exceeding fifty rupees may be paid by the president, or by such officer as each local board appoints for this purpose, in cash, cheques for sums not in excess of three hundred rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

[a-a] These words were inserted by Bom. Act IV of 1885, s. 3.

Accounts.

Accounts to be kept in form prescribed by Government.

51. Accounts of the receipts and expenditure of every local board shall be kept in such form as the Governor in Council from time to time prescribes, and shall be balanced annually on the last day of every financial year, ending on the 31st March.

Publication of abstract of accounts annually.

52. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken and the sums expended on each work, and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the 31st March, in such form as the Governor in Council from time to time prescribes, to the Collector or to such other officer as the Collector nominates in this behalf, and shall be published in the official Gazette.

Annual Budget Estimates.

Return to be rendered to local boards of actual and estimated income of local funds.

53. To enable local boards to prepare annual budget estimates, as hereinafter provided, the Collector shall annually render to each táluqá local board in his district, not later than the 1st October, in such form as the Governor in Council from time to time directs, a return setting forth, for the táluqá for which such board is established—

(*a*) the actual receipts in the last complete official year ;
(*b*) a revised estimate of the receipts in the current official year ; and
(*c*) a first estimate of the probable receipts in the next following official year ;

} from each of the sources from which the local fund is derived ;

and, to the district local board, a similar return for the whole district.

The district local board shall, not later than the 1st November, communicate to each táluqá local board in the district the probable amount of the revenue described in clause (*a*) or clause (*b*) of section 44 which will be at the disposal of such táluqá local board in the next following official year, explaining the manner in which, with reference to section 45, clause (*a*), paragraph (5), the said amount has been fixed.

Preparation of annual budget estimates of income and expenditure.

54. Every local board shall have prepared, on or before the fifteenth day of November every year, in such form as the Governor in Council from time to time prescribes, a budget estimate of the income and expenditure of the board for the next official year.

The board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve of the same with or without modification as they shall think fit. Consideration and approval of budget estimates by the boards.

55. Every budget estimate, as approved by a táluqá local board, shall be forthwith submitted to the district local board to which such táluqá board is subordinate, which may— Táluqá local boards' budget estimates to be submitted for sanction to the district local board.

(*a*) as often as it thinks fit, send back such estimate to the táluqá local board for revision, or

(*b*) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

56. Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board, and, in the case of a táluqá local board, submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate. Revised or supplementary budget estimates may be made when necessary.

Re-appropriations of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate. Re-appropriations to be subject to approval or sanction like budget estimates.

57. No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid, unless— Budget estimates and re-appropriations not to be approved or sanctioned unless

(*a*) provision is therein made for such board's having at its credit at the end of the official year a balance of not less than five thousand rupees in the case of a district local board, and of two hundred rupees in the case of a táluqá local board ; an annual balance is provided for,

(*b*) for every work, whether of first construction or of repair, there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work which has been approved by the board and [*] in the case of a road of which the cost is to exceed, on an average, fifty rupees per mile, or of any other work of which the total cost is to exceed five hundred rupees, plans and estimates have been prepared or approved by the Government Executive Engineer of the district. and, in the case of works, detailed estimates are attached.

[*] Words repealed by Bom. Act IV of 1885, s. 4, are omitted.

Copies of budget estimates and re-appropriation statements to be sent to the Collector.

A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 10th December.

Except on a pressing emergency, no sum not provided for in a budget estimate to be expended.

58. Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a táluqá local board) together with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

Provision as to budget estimates in force when this Act comes into operation.

59. Every budget estimate framed by, or binding upon, any committee or authority heretofore charged with the administration of local funds under the Bombay Local Funds Act, 1869[a], or the Sindh Local Funds Act, 1865[b], and in force on the date which shall be notified by the Governor in Council under section 13 for each district shall be deemed to have been duly prepared and approved or sanctioned under this Act so far as it relates to the period which intervenes between the date aforesaid and the thirty-first day of March next following that date. Bom. III of 1869. Bom. VIII of 1865.

If any such budget estimate would, but for the passing of this Act, have force and effect after the said thirty-first day of March, the local board having authority over the local area in which it would so have effect and force may set it aside as from that date: Provided that works in progress at the said date under any such budget estimate shall not be discontinued except with the sanction of the Governor in Council.

Audit of Accounts.

Audit to be made periodically under the orders of Government.

60. The accounts of every local board shall be examined and audited at such intervals, in such manner and by or under the superintendence of such auditor as the Governor in Council from time to time directs.

Auditor to have power to see all accounts, etc.; costs of audit.

Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers, and all other documents and records in the possession, or under the control, of the local board, and the costs of audit shall be paid by the district local board at such rate as Government shall determine.

[a] Printed in Vol. II of this Code, p. 133.
[b] Printed in Vol. II of this Code, p. 81.

The report of the auditor on each local board shall be published in the official Gazette and a copy thereof shall be sent to each board concerned and to the Collector. A copy of the report on every táluqá local board shall also be sent to the district local board of the district.

VI.—Execution of Works.

Works to be executed by the Government Executive Engineer.

61. Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by section 57, clause (*b*), as the Governor in Council shall from time to time in a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for the Government, and shall have control over all officers and servants of a local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

All other works shall be executed by such agency and subject to such supervision as the local board at whose cost any such work is to be executed thinks fit: Provided that any such work shall, at the desire of the said board, be executed by the Government Executive Engineer of the district in the manner prescribed in the first paragraph of this section.

Payment of Government establishment employed by Government Executive Engineer.

When any work is executed under this section by a Government Executive Engineer either wholly or partly, with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer: Provided that no charge shall in any case be made on account of the services of the Executive Engineer.

VII.—Control.

Collector's powers of inspection and supervision.

62. The Collector shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any local board, or any work in progress under it or under its direction;

(*b*) to call for any extract from any local board's or any committee's proceedings, any book or document in the possession of or under the control of a local board, and any return, statement, account or report which he may think fit to require such board to furnish;

(*c*) to require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is

about to be done or is being done by such board, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the board, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector under this section may be delegated by him to the Assistant or Deputy Collector in charge of the táluqá in the case of a táluqá local board.

Power of Commissioner to prevent extravagance in establishments.

63. If in the opinion of the Commissioner the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall, on the requirement of the Commissioner, reduce the number or remuneration of the said persons or person :

Provided that the district local board may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

Collector's power of suspending execution of orders, etc., of local boards.

64. If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done or is being done, by or on behalf of a local board, is causing, or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner, who may confirm or modify it.

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

65. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration

to the person appointed to execute or do it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible from the balance of such fund in his hands.

The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power of Government to provide for performance of duties in default of local board.

66. When the Governor in Council is informed, on complaint made, or otherwise, that a local board has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due enquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

If the expense and remuneration are not so paid, the Governor in Council may direct the officer in charge of the treasury in which the local fund is kept to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

Power of Government to supersede local boards in case of incompetency, default, or abuse of powers.

67. If in the opinion of the Governor in Council a local board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may by an order published, with the reasons for making it, in the official Gazette, declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of exercise of such power.

When a local board is so superseded, the following consequences shall ensue:—

(*a*) all members of the board shall, as from the date of the order, vacate their offices as such members;

(*b*) all powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Governor in Council, from time to time, appoints in that behalf;

(*c*) where a local board is superseded, all property vested in it shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the board shall be re-established by the election or appointment of new members under the provisions of this Act applicable thereto.

Powers of Government and of the Commissioners over Collectors, etc.

68. In all matters connected with this Act, the Governor in Council and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors, and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

VIII.—Rules.

Purposes for which rules and orders may be made.

69. The Governor in Council may from time to time make and from time to time vary or rescind rules or orders consistent with this Act—

(*a*) prescribing the number of members for each local board and the proportion of elective and nominated members for each;

(*b*) determining the mode in which elections of members of local boards, other than elections under sections 6 (*c*) and 7 (*c*), and the places at which and the authorities, if any, under whose superintendence such elections shall be held, and the manner in which votes thereat shall be recorded and how and by whom the results of such elections shall be declared;

(*c*) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted and as to the appointment, control, punishment, and dismissal of the officers and servants of local boards;

(*d*) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for.

All rules and orders so made shall be published in the official Gazette.

IX.—Miscellaneous.

Penalty for member, officer or servant of a local board being interested in any contract, etc., with that board.

70. If any member of a local board or any officer or servant maintained by or employed under a local board has, directly or indirectly, any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable, on conviction before a Criminal Court, to a fine which may extend to five hundred rupees:

Provided that the penalty herein prescribed and the disqualification for membership of a local board prescribed in section 11, clause (*f*), shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint-stock company which shall contract with, or be employed by or on behalf of, the local board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or

(*d*) being professionally engaged on behalf of the local board as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (*a*) and (*b*) to act as a member of a local board in any matter relating to a contract or agreement between the local board and such company or the manager or publisher of such newspaper.

Members, etc., of boards to be public servants.

71. Every member of a local board and every officer and servant maintained by a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code [a].

XLV of 1860.

Acquisition of land.

72. When any land is required for the purposes of this Act, the Governor in Council may, on the request of the local board requiring it, proceed to acquire it under the provisions of the Land Acquisition Act, 1894 [b]; and, on payment by the local board of the compensation awarded under that Act, the land shall vest in the local board.

I of 1894.

Powers and duties of Government to be discharged in Sindh by the Commissioner.

73. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 8, 63, 64, 67 and 68, shall, in Sindh, be exercised and performed by the Commissioner.

Limitation of suits, etc.

74. No action shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] The reference to Act X of 1870 is altered in accordance with Act I of 1894, s. 2.

of this Act, without giving to such local board, officer, servant or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Amendment of Bombay Act III of 1869.

75. In the Bombay Local Funds Act, 1869 [a] :— Bom. III of 1869.

(*a*) the words "Bombay Land-revenue Code, 1879," shall be substituted for the words "(Bombay) Act I of 1865," wherever they occur; and Bom. V of 1879.

(*b*) the words "Commissioner of the division," shall be substituted in section 8 for the words "Revenue Commissioner"; and

(*c*) the words "if no such rate is so recorded or if the rate so recorded is" shall be substituted in rule 3 of section 7 for the words "if this rate be."

Amendment of Bombay Act VIII of 1865.

76. In the Sindh Local Funds Act, 1865 [b], section 2, the word "of" shall be substituted for the words "heretofore customarily levied, namely." Bom. VIII of 1865.

Amendment of Bombay Act III of 1875.

77. For clause (2) of section 3 of Bombay Act III of 1875 the following clause shall be substituted, namely:—

"*Clause 2.*—The word 'persons' in this section shall be deemed to include local boards established under the Bombay Local Boards Act, 1884."

SCHEDULE.

(*See section 2.*)

Enactment.	Subject.	Extent of repeal.
[b] Bombay Act VIII of 1865.	An Act to authorize taxation in the province of Sindh for objects of public local utility and improvement.	In the preamble the words "and to aid in defraying the expense of the Department of Public Works in the Province of Sindh." Sections 6, 7 and 8.

[a] Printed in Vol. II of this Code, p. 133.
[b] Printed in Vol. II of this Code, p. 81.

SCHEDULE—*continued.*

Enactment.	Subject.	Extent of repeal.
[a] Bombay Act III of 1869.	An Act to provide in the Presidency of Bombay funds for expenditure on objects of local public utility and improvement and to constitute local committees for the due administration of such funds.	In the title the words "and to constitute local committees for the due administration of such funds." In the preamble the words "and whereas it is expedient to constitute local committees to provide for the due appropriation of such funds to the purposes aforesaid." Sections 1, 2, 3, 4, 5, 9, 10, 11, 12 and 13.
[a] Bombay Act II of 1868.	An Act to amend the law relating to public ferries in the Presidency of Bombay.	Section 16.
[a] Bombay Act III of 1875.	An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.	Section 12.

THE BOMBAY DISTRICT MUNICIPAL ACT AMENDMENT ACT, 1884.

CONTENTS.

I.—PRELIMINARY.

SECTIONS.

1. Short title.
Local extent.

[a] Printed in Vol. II of this Code.

BOMBAY ACT No. IV OF 1885.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 20th October, 1885.*)

Bom. I and II of 1884.

An Act to amend the Bombay Local Boards Act, 1884, and the Bombay District Municipal Act Amendment Act, 1884.

[NOTE.—The amendments made by this Act are incorporated in Bom. Acts I and II of 1884, respectively, as printed on pp. 34 *et seq.* and 69 *et seq. supra.*]

BOMBAY ACT No. III OF 1886.

(*The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 25th September, 1886.*)

An Act to amend the Bombay General Clauses Act, 1866[a], and to shorten the language of the enactments of the Governor of Bombay in Council.

Bom. X of 1866.

WHEREAS it is expedient to amend the Bombay General Clauses Act, 1866[a], and to make other provisions for shortening the language of the enactments of the Governor of Bombay in Council, and for explaining their meaning; It is enacted as follows:—

Short title.

1. This Act may be cited as the Bombay General Clauses Act, 1886.

Enactments repealed and amended.

2. [b]The words quoted in the fourth column of Schedule B from the enactments made by the Governor of Bombay in Council respectively mentioned in the previous columns of the said schedule are repealed, and, where such intention is expressed in the said schedule, the words contained in the fifth column thereof shall be deemed to be substituted respectively for the words so repealed.

General definitions.

3. In this Act and in all Regulations and Acts made by the Governor of Bombay in Council, unless there be something repugnant in the subject or context,—

Gender.

(1) words importing the masculine gender include females;

Number.

(2) words in the singular include the plural, and *vice versâ*;

(3) "person" includes a company or association or body of individuals, whether incorporated or not;

(4) "year" and "month" mean, respectively, a year and a month reckoned according to the British calendar;

(5) "British India" means the territories for the time being vested in

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[a] Bom. Act X of 1866 was repealed by s. 2 of this Act.
[b] Portion repealed by Act XVI of 1895 is omitted.

SECTIONS.

49. Amendment of Bombay Act VI of 1873—
amendment of section 3;
amendment of section 17;
new clause added to section 21;
amendment of section 23;
new section substituted for section 24;
amendment of sections 26 and 57;
amendment of section 30;
amendment of section 69;
amendment of section 84;
new clause substituted for clause 1 of section 88;
amendment of section 89;
amendment of section 94.

SCHEDULE.

BOMBAY ACT No. II OF 1884 [a].

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 1st May, 1884.)

An Act to amend the Bombay District Municipal Act [b].

Bom. VI of 1873.

WHEREAS it is expedient to amend the Bombay District Municipal Act [b] in manner hereinafter appearing; It is enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be cited as the Bombay District Municipal Act Amendment Act, 1884, and this Act and the Bombay District Municipal Act [b], which is hereinafter referred to as "the principal Act," may be together cited as the Bombay District Municipal Acts of 1873 and 1884.

Local extent.

This Act and the principal Act extend to the whole of the Presidency of Bombay, except the City of Bombay.

Construction.

2. This Act shall be construed as one with the principal Act.

Repealing section.

3. The enactments mentioned in the schedule [c] are repealed to the extent specified in the third column thereof:

Provided that the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments, and shall not apply in any temporary municipal district in existence when this Act comes into force [d].

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[a] Bom. Act V of 1890 is to be read with Bom. Act II of 1884—see s. 2 (2) of the former Act.

[b] Printed in Vol. II of this Code, p. 139.

[c] Words repealed by Bom. Act III of 1886 are omitted.

[d] Portion repealed by Act XVI of 1895 is omitted.

Interpretation-section.

4. In the principal Act and in this Act, unless there be something repugnant in the subject or context,— Bom. VI of 1873.

(1) the words "Sindh Official Gazette" shall, in Sindh, be deemed to be substituted for the words "Bombay Government Gazette," wherever they occur;

(2) the term "municipal district" means any local area which is at present a municipal district under the principal Act and any local area which may hereafter be constituted a municipal district under section 5 [a], if such municipal district has not ceased to exist under the provisions of the said section.

In the principal Act—

Certain expressions in Bombay Act VI of 1873 defined.

(3) the phrases "the date of this Act [b] coming into force," "the date of the passing of this Act,"[b] and the like, shall, in Sindh, be deemed to mean the first day of October, 1878.

In this Act—

(4) the words "salaried servant of Government" do not include a retired servant of Government in receipt of a pension;

(5) the term "Commissioner of the division" means, in Sindh, the Commissioner of Sindh and elsewhere the Commissioner of a division appointed under the Bombay Land-revenue Code, 1879[c]. Bom. V of 1879.

II.—Constitution of Municipalities.

Municipal Districts.

Definition of municipal districts.

5. Subject to the provisions of sections 8, 9 and 10 [a], the Governor in Council may, from time to time by notification in the Bombay Government Gazette, declare any local area to be a municipal district, and may, from time to time by a like notification, extend, contract or otherwise alter the limits of any municipal district, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipal district.

Every such notification for constituting a new municipal district, or for altering the limits of an existing municipal district, shall clearly set forth the local limits of the area to be included or excluded from such municipal district, as the case may be.

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[a] Words repealed by Bom. Act III of 1886 are omitted.

[b] The words "of this Act" were repealed by Bom. Act III of 1886 and re-inserted by Act XVI of 1895.

[c] Printed in Vol. II of this Code, p. 303.

When any local area ceases to be a municipal district, the municipality constituted therein shall cease to exist, and the property and rights vested in any such municipality, or in any municipality which has ceased to exist under the operation of section 20 of the principal Act, or has been abolished under section 16 of that Act, shall, subject to all charges and liabilities affecting the same, vest in the Governor in Council, and the proceeds thereof, if any, shall be expended by the Governor in Council for the benefit of the local area in which such municipality had jurisdiction.

Bom. VI of 1873.

Determination of local limits of municipal districts in existence when this Act comes into force.

6. As soon as may be after the date when this Act comes into force, the Governor in Council shall in a notification published in the Bombay Government Gazette clearly set forth the local limits of each municipal district in existence on the said date and which has not since ceased to exist, and the said notification shall be conclusive evidence that the principal Act and this Act and all rules, bye-laws and orders applicable to such municipal district are in force within the limits so set forth.

Definition of municipal boundaries by boundary-marks.

It shall be the duty of the municipality in every such municipal district and of every municipality newly constituted under this Act, and of every municipality whose local limits are altered as aforesaid, within six months from the date of the notification issued under the first paragraph of this section, or of the notification constituting the municipality or altering its local limits, as the case may be, to cause to be erected or set up, at its own costs, substantial boundary-marks of such description and in such positions as shall be approved by the Collector, defining the limits or the altered limits of the municipal district subject to its authority as set forth in the said notification.

Municipal districts to be temporary or permanent.

7. Municipal districts constituted under section 5 may be either temporary or permanent.

What local areas may be declared to be temporary municipal districts.

8. Any local area in which a periodical fair is held, or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a temporary municipal district.

What local areas may be declared to be permanent municipal districts.

9. Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb or land adjoining thereto, or

(*b*) a village or suburb, or two or more neighbouring villages and suburbs,

may be declared a permanent municipal district:

Provided that unless for exceptional reasons, which shall be clearly set forth in the proclamation under section 10 and in the notification issued under section 5, no city, town, station or suburb shall be included in a permanent municipal district with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; and no such municipal district shall be constituted in any area of which the population is less than two thousand.

Naming of municipal districts comprising two or more places.

When two or more places bearing different names are formed into one municipal district, the name of the municipal district shall be determined by the Governor in Council.

Permanent municipal districts.

10. Not less than two months before the publication of any notification declaring any local area a permanent municipal district, or altering the limits of any such district, or declaring that any local area shall cease to be a municipal district, the Governor in Council shall cause to be published in the Bombay Government Gazette, in English, and in at least one of the local newspapers, if any, in the language of the district in which such local area is situated, and to be posted up in conspicuous spots in the said local area in the language of the said district, a proclamation announcing that it is proposed to constitute such local area a municipal district, or to alter the limits of the municipal district in a certain manner, or to declare that such local area shall cease to be a municipal district, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing, to a Secretary to the Government within two months from the date of the said proclamation.

No such notification as aforesaid shall be issued by the Governor in Council unless the objections, if any, so submitted are, in his opinion, insufficient or invalid.

General constitution of municipalities.

11. In every permanent municipal district there shall be a municipality.

Except as is hereinafter otherwise provided, every such municipality newly constituted under this Act, and, on and after such date as shall be notified by the Governor in Council for each permanent municipal district in existence when this Act comes into force, the municipality in every such district, shall consist of—

(*a*) elective commissioners;

(*b*) such persons, if any, as the Governor in Council, or any officer whom he authorizes in this behalf, appoints, who shall be called "nominated commissioners:"

Provided that the number of elective commissioners shall be not less than one-half of the whole number, exclusive of the president, and that not more than one-half of the nominated commissioners shall be salaried servants of Government.

12. The Governor in Council shall from time to time—

The Governor in Council may — determine total number of commissioners; fix proportion of elective and nominated commissioners; make rules for regulating elections.

(*a*) determine the total number of commissioners in each municipality;

(*b*) fix, subject to the provisions of the last preceding section, the proportion of the commissioners, if any, who shall be nominated and the number of those who may be salaried servants of Government;

(*c*) make rules, consistent with this Act, for fixing the dates and the time and manner of holding elections of the elective commissioners, prescribing the qualifications of candidates and of voters, and generally for regulating such elections:

Provided that—

Proviso as to admission of certain qualifications, and

(*d*) subject to the disqualifications mentioned in section 16 as regards candidates, and in section 22 as regards voters, every fellow and every graduate of any university, every pleader holding a sanad from the High Court, every juror, every assessor and every Honorary Magistrate resident within a municipal district, and every person paying municipal taxes of an amount not less than such minimum as shall from time to time be fixed by Government for each municipal district, shall be qualified both as a candidate and a voter at such elections in the said district;

as to time when alteration in qualification shall take effect.

(*e*) no alteration in, or addition to, the qualifications of candidates or voters made at any time after the first elections have been held in any municipal district under this section shall take effect in such district within six months from the date on which such alteration or addition is made.

Constitution of municipalities in exceptional cases.

13. Nothing in the two last preceding sections shall apply to any permanent municipal district at a hill station or to any permanent municipal district to which, owing to the smallness of such district or to the backward state of its inhabitants, or other such exceptional reason, the Governor in Council shall, in the notification setting forth such reasons and published in the Bombay Government Gazette, at any time declare the provisions of the said sections to be unsuitable.

In any such municipal district the municipality shall consist either entirely of nominated commissioners or partly of nominated commissioners and partly of elective commissioners in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the Governor in Council in the notification published under the first paragraph of this section, or in any subsequent notification published as aforesaid, shall think fit to prescribe.

It shall be competent to the Governor in Council at any time to alter or rescind any notification issued by him under this section; and, in the event of any notification under the first paragraph being rescinded, the municipality affected thereby shall from a date to be fixed in this behalf by the Governor in Council be constituted in accordance with the two last preceding sections.

Temporary municipalities.

14. The powers and duties conferred and imposed by this Act and by the principal Act on municipalities shall, in a temporary municipal district, be respectively exercised and discharged by a neighbouring municipality nominated in this behalf by Government, or by a municipality specially constituted for the time being and consisting of such commissioners nominated in such manner as the Governor in Council directs.

Incorporation of municipalities.

15. Every municipality in a permanent municipal district shall be a body corporate by the name of "The Municipality of ," and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid, unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner of the division.

Provisions relating to Municipal Commissioners.

General disqualifications.

16. No female, and no person—

(*a*) who is less than twenty-one years of age, or

(*b*) who is a District or a Subordinate Judge, or is acting in either of those capacities, or

[*] (*c*) who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a

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[*] This clause was substituted for the original cl. (*c*) by Bom. Act IV of 1885, s. 5.

term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the Governor in Council is hereby empowered to make, if he shall think fit, in this behalf ;

(*d*) who is an uncertificated bankrupt or an undischarged insolvent,

may be a municipal commissioner ;

and no person—

(*e*) who is a subordinate officer or servant of a municipality, or

(*f*) who has directly or indirectly any share or interest in any work done by order of a municipality, or in any contract or employment with or under a municipality,

may be a member of such municipality ;

and any municipal commissioner who, during the term for which he has been elected or appointed,—

(*g*) becomes disqualified for any of the above reasons, or,

(*h*) not being a salaried servant of Government, is absent for more than four consecutive months from the limits of the district in which the municipality is established,

shall cease to be a commissioner, and his office shall become vacant.

Re-eligibility of municipal commissioners.

17. A person who has already been elected or appointed a municipal commissioner on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Term of office.

18. Except as is otherwise provided in the next following section, municipal commissioners appointed or elected under this Act shall, unless they become in the meantime disqualified, hold office for a term of three years, [a]extensible, by order of the Governor in Council, to a term not exceeding in the aggregate three years and six months, if on any occasion the Governor in Council shall think fit, for reasons which shall be notified, together with the order, in the Bombay Government Gazette, so to extend the same.[a]

Casual vacancies how to be filled up.

19. In the event of the death, resignation or disqualification of a municipal commissioner, or of his becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the commissioner in whose place he is elected or appointed would have held it if the vacancy had not occurred.

[a-a] These words were added by Bom. Act I of 1888, s. 1.

Publication of names of commissioners in the Bombay Government Gazette.

20. The names of all commissioners finally elected to any municipality, as well as the names of the nominated commissioners, if any, appointed thereto, shall be published, as soon as conveniently may be, in the Bombay Government Gazette.

Municipal funds ordinarily liable for all costs and expenses incurred by municipalities; but commissioners to be held responsible for misapplied funds.

21. Except as is hereinafter otherwise provided, no municipal commissioner shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipality; the funds at the disposal of each municipality shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

Provided that every municipal commissioner shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a commissioner, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property of the Government.

Municipal Elections.

General disqualifications of voters.

22. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

Determination of validity of elections.

23. If the validity of any election of a municipal commissioner is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held.

The District Judge may, after such inquiry as he deems necessary, pass an order for confirming or amending the declared result of the election, or for setting the election aside.

For the purposes of the said inquiry the District Judge may exercise any of the powers of a Civil Court, and his decision shall be conclusive.

If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

Presidents and Vice-Presidents.

Nomination of presidents;

24. Every municipality shall be presided over by a president, who shall be one of the commissioners and shall be appointed by the Government or, if the Governor in Council so directs, elected by the municipality.

and of vice-presidents.

If the president so appointed or elected is a salaried servant of Government, the municipality shall elect one of the commissioners to be vice-president; unless the Governor in Council otherwise directs, no appointment of

a vice-president shall be valid until it is approved by the Government, or by such other authority as the Government prescribe in this behalf.

Their term of office and liability to be removed.

Every president's and vice-president's term of office shall cease on the expiry of his term of office as a commissioner: Provided that he shall be removeable from office as such president or vice-president by the Government for misconduct, or neglect of, or incapacity to perfom, his duty.

Casual vacancies in their office how to be filled up.

In the event of the death, resignation or removal from office of a president or vice-president, or of his becoming incapable of acting, or disqualified to be a commissioner, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the appointment or election, as the case may be, of some other commissioner thereto.

Functions of presidents.

25. The president of a municipality shall—

(*a*) preside at the meetings of the municipality;

(*b*) watch over the financial and executive administration of the municipality, and perform such executive functions as he may be empowered to perform by the rules of the municipality over which he presides;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the municipality in matters of executive administration and in matters concerning the accounts and records of the municipality; and, subject to the rules of the municipality at the time being in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;

(*d*) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the municipality and any extract from the minutes of the municipality's or of any committee's proceedings, or other document or thing which the Collector may from time to time call for under section 37.

President in certain cases to have only a casting vote.

When the president of a municipality is a salaried servant of Government and has been appointed to be president by the Government, he shall not vote upon any questions which come before such municipality for decision, unless there is an equality of votes of the other commissioners present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice-presidents.

26. Vicè-presidents of municipalities shall—

(*a*) in the absence of the president preside at the meetings of the municipality, and

(*b*) exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him[*].

Conduct of Business.

Provisions regulating municipalities' proceedings.

27. The following provisions shall be observed with respect to the proceedings of a municipality:—

General meetings.

(1) Except in municipalities at hill stations, there shall be held four quarterly general meetings in each year, for the disposal of general business, on or about the tenth day of each of the months of January, April, July and October. In municipalities at hill stations there shall be held one general meeting on or about the tenth day of April and not less than one other periodical general meeting for the purpose aforesaid in each year.

A special meeting may be called whenever necessary upon an emergency.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the commissioners, call a special general meeting.

Notice to be given of meetings.

(3) Seven clear days' notice of a quarterly general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the commissioners and posted up at the municipal office or the local kacharí or some other public building in the municipal district. The said notice shall include any motion or proposition which a commissioner shall have given written notice of his intention to bring forward at the meeting not less than ten days previous thereto, and, in the case of a special general meeting, any motion or proposition mentioned in the written request for such meeting.

One-half of the commissioners shall form a quorum.

(4) If less than one-half of the commissioners be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such day and hour as he shall consider convenient to the commissioners, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned

[*] *Sic.: read* them.

meeting and be transacted by it, whether there be a quorum present or not.

(5) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the municipality such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings. Meetings must ordinarily be open to the public.

(6) Every meeting shall be presided over by the president, if he is present at the time appointed for holding the same, and, if he is absent, by the vice-president, and, if both the president and vice-president are absent, by such one of the commissioners present as may be chosen by the meeting to be chairman for the occasion. Every meeting to be presided over by the president.

(7) Except with the permission of the presiding authority, no business shall be transacted and no proposition discussed at any general meeting, unless it is mentioned in the notice convening such meeting and is brought forward by the presiding authority or by any commissioner who has given ten days' previous notice thereof to the president, or, in the case of a special general meeting, unless mention thereof has been made in the written request for such meeting. Business to be transacted at meetings.

(8) Any general meeting may, with the consent of a majority of the commissioners present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place. Adjournments of meetings.

(9) Except as is otherwise provided in section 25, all questions shall be decided by a majority of votes of the commissioners present, the president, vice-president or chairman having a second or casting vote in all cases of equality of votes. All questions must be decided by a majority of votes.

(10) The municipality may delegate any of their duties or powers to committees consisting of such commissioners as they think fit, and may appoint any one of the said commissioners to be the chairman of the committee; and any committee so formed shall conform to any instructions that may from time to time be given to them by the municipality, and the municipality may at any time discontinue or alter the constitution of any committee so formed. Municipality may delegate their functions to committees.

(11) If no chairman of a committee has been appointed by the municipality, the members of such committee shall elect their chairman; Committees' meetings to be

presided over by a chairman.

and, if no chairman appointed or elected as aforesaid is present at the time appointed for holding any meeting, the members present shall choose one of their members to be chairman of such meeting.

Committees shall meet when they think proper.

(12) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the municipality or of not less than two members of a committee, call a special meeting of such committee.

Questions at committees' meetings shall be decided by a majority of votes.

(13) Questions at any meeting of a committee shall be decided by a majority of votes of the members present, and, in case of an equal division of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the committee are present from the beginning to the end thereof.

Notice of business to be transacted must in certain cases be given to the Government Executive Engineer or Educational Inspector.

(14) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the municipality by a Government Executive Engineer, or to any educational matter, shall be transacted at any meeting of a municipality or of a committee, unless at least fifteen days previous to such meeting a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

Minutes of proceedings to be kept.

(15) Minutes shall be kept in the vernacular language of the names of the commissioners and of the Government officers, if any, present under the provisions of section 28, and of the proceedings at each general meeting and each committee's meeting, and, if any commissioner present so desires, of the names of the commissioners voting respectively for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president or vice-president or chairman of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipal district: when practicable, the proceedings at general meetings shall be inserted in the minute-book in English as well as in the vernacular language.

Vacancy not to affect municipality's proceedings.

(16) During any vacancy in a municipality the continuing commissioners may act as if no vacancy had occurred.

(17) No act of a municipality, or of any committee, or of any person acting as a commissioner or as a president, vice-president or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such municipality, committee, president, vice-president, chairman or commissioner, or on the ground that they, or any of them, were disqualified for the office of commissioner, or that formal notice of the intention to hold a meeting of a municipality or of a committee was not duly given, or for any other such mere informality. Acts of a municipality, etc., not to be invalidated by informalities.

28. The Executive Engineer, the Educational Inspector and the Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district when charged with any of the duties of a health officer therein, if not members of a municipality within the district, shall have the right of being present at any meeting of the said municipality, or of any committee thereof, and, with the consent of the municipality or committee, each of them may take part at such meeting in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such municipality or committee: Provided that the said officers shall not, unless they are members of the municipality or committee, be entitled to vote upon any such question. Certain Government officers may attend meetings of municipalities.

If it shall appear to a municipality that the presence of any of the above officers is desirable for the purpose aforesaid at any future meeting of such municipality, or any committee thereof, it shall be competent to such municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat; and the said officer, unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting. Municipalities may require the presence of the said officers at their meetings.

29. Whenever it appears to the president of a municipality, or to the chairman of a committee, unnecessary to convene a meeting, he may, instead of so doing, circulate a written proposition of his own, or of any other commissioner, or, in the case of a committee, of any other member of the committee, or of any executive officer of the municipality, for the observations and votes of the commissioners, or of the members of the committee, as the case may be. Previous to circulating any such proposition as aforesaid, the president or chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in clause (14) of section 27, shall obtain thereupon Written propositions may be circulated for votes.

the remarks, if any, which any Government officer, not a commissioner, who would be entitled under the provisions of section 28 to be present at such meeting, desires to record.

The decision on any proposition so circulated shall be in accordance with the majority of votes of the commissioners who vote upon it, unless a special meeting is convened to consider the propositions under clause (2) or clause (12) of section 27.

Every decision arrived at by the commissioners under this section shall be recorded in the minute-book kept under clause (15) of section 27.

Mode of executing contracts.

30. The president of a municipality may, on behalf of the municipality, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

Every other contract or agreement on behalf of a municipality shall be in writing and shall be signed by the president and by two other commissioners, and shall be sealed with the common seal of the municipality.

No contract or agreement not executed as in this section provided shall be binding on a municipality.

Joint committees of two or more municipalities or other local bodies.

31. A municipality may from time to time concur with any other municipality or with any local board or cantonment committee, or with more than one such municipality, local board or committee—

(*a*) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee; and

(*b*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(*c*) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of Government shall be final.

III.—Rules and Bye-laws.

Municipalities

32. Every municipality shall, as soon as conveniently may be after it has

been constituted, make and may from time to time alter or rescind rules, consistent with this Act and with the principal Act : may make rules—

Bom. VI of 1873.

(*a*) regulating the conduct of its business and the delegation of any of its powers or duties to one or more committees ; for regulating the conduct of business ;

(*b*) determining the staff of officers and servants to be employed by it and their respective designations, duties, salaries, fees and absentee or other allowances ; for fixing the establishment ;

(*c*) determining the mode of appointing, punishing or dismissing any such officer or servant ; for determining mode of appointing, etc., municipal servants ;

(*d*) regulating the grant of leave to such officers or servants and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave ; for granting leave to municipal servants ;

(*e*) regulating the period of service of all such officers and servants and determining the conditions under which such officers and servants, or any of them, shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances ; for fixing pensions, etc.;

(*f*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with its approval, be established by the said officers and servants ; for contributing to provident funds ;

(*g*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security ; for fixing the amount or the security to be furnished ;

*(*h*) prescribing, subject to the provisions of section 21 of the principal Act, the tolls, cesses, taxes or other imposts to be levied in the municipal district for municipal purposes, and the fees to be charged for licenses or permissions granted under section 22 of the said Act, and the times and mode of levying or recovering the same ; for prescribing the taxes, etc., to be levied for municipal purposes ;

(*i*) generally for the guidance of its officers and servants in all matters relating to the municipal administration : for general guidance of municipal servants :

Provided that—

(*j*) if an officer is lent to any municipality by the Government, or if an officer is employed partly in the service of Government and partly in the service of a municipality, such municipality shall contribute to his pension and leave-allowance to such extent as may be required by the rules in this behalf from time to time in force, and shall not, except with the assent of Government, dispense with his Proviso as to officers lent by Government ; and

further services at any time without giving the Government six months' previous notice;

as to previous sanction of Government in certain cases.

(*k*) no rule made under this section shall have effect unless and until it has been approved by the Governor in Council, or by such officer as he appoints in this behalf.

Certain municipalities may make bye-laws—

33. Every municipality may from time to time, with the previous sanction of the Governor in Council, make, alter or rescind bye-laws consistent with this Act and with the principal Act— Bom. VI of 1873.

for markets and slaughter-houses, etc., etc.;

(*a*) for regulating and inspecting markets and slaughter-houses and all places used by or for horses or other animals which are let out on hire or the produce of which is sold, and for the proper and cleanly conduct of business therein, and for fixing the charges to be made for the use of any of them which belong to the municipality;

for regulation of dangerous or offensive trades;

(*b*) for licensing and inspecting places used for any of the purposes mentioned in section 69 of the principal Act and for regulating the conduct of business in any such place so as to minimize the injurious, offensive or dangerous effect thereof;

for water-supply and conservancy;

(*c*) for regulating the water-supply, conservancy and the disposal of carcasses of dead animals;

for registration of births, etc.;

(*d*) for the registration of births, deaths and marriages and the taking of a census within the municipal district;

for general administrative purposes.

(*e*) generally for the regulation of all matters relating to municipal administration:

Fine may be imposed for infringement of bye-laws.

and every municipality may, with the like sanction, prescribe a fine for the infringement of any such bye-laws.

Publication of drafts of proposed bye-laws.

34. Every municipality shall, before making any bye-law under the last preceding section, publish, in such manner as shall in their opinion be sufficient for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making the bye-law, receive and consider any objection or suggestion which may be made in writing by any person with respect to the draft before the date so specified.

When any bye-law made by a municipality is submitted to the Governor in Council for sanction, a copy of every objection or suggestion so made, and of the notice published as aforesaid, shall be submitted for the information of the Governor in Council along with the said bye-law.

Bom. VI of 1873.

Continuance in force of present rules and bye-laws of municipalities.

35. Any rules or bye-laws made with the approval of the Governor in Council by any municipality under section 14 of the principal Act, and now in force, shall continue in force, so far as they are consistent with this Act, until they shall be altered or rescinded under section 32 or section 33.

Rules and bye-laws to be printed and sold.

36. The rules and bye-laws for the time being in force under sections 32, 33 and 35 shall be kept open at the municipal office for public inspection at all reasonable times, and printed copies thereof in the vernacular language of the district shall be kept on sale at a reasonable price.

IV.—Control.

Collector's powers of inspection and supervision.

37. The Collector shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by any municipality, or any work in progress under it or under its direction ;

(*b*) to call for any extract from any municipality's or any committee's proceedings, any book or document in the possession of or under the control of a municipality, and any return, statement, account or report which he may think fit to require such municipality to furnish ;

(*c*) to require a municipality to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such municipality, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the municipality, and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

All or any of the powers given to the Collector by this section may be delegated by him to the Assistant or Deputy Collector in charge of a taluka in so far as concerns any municipality in such taluqá.

Power of Commissioner of division to prevent extravagance in the employment of establishment.

38. If, in the opinion of the Commissioner of the division, the number of persons employed by a municipality as officers or servants, or whom a municipality proposes to employ, or the remuneration assigned by the municipality to those persons, or to any particular person, is excessive, the municipality shall, on the requirement of the said Commissioner, reduce the number or remuneration of the said persons or person :

Provided that the municipality may appeal against any such requirement to the Governor in Council, whose decision shall be conclusive.

Collector's power of suspending execution of orders, etc., of municipalities.

39. If, in the opinion of the Collector, the execution of any order or resolution of a municipality, or the doing of anything which is about to be done or is being done by or on behalf of a municipality, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner of the division, who may confirm or modify it.

When a Collector makes any order under this section, he shall forthwith forward to the Commissioner of the division and the municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the said Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Government for their final orders.

The said Commissioner shall forthwith submit to Government a report of every case occurring under this section, and the Government may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner of the division could have made.

Extraordinary powers of Collector in case of emergency.

40. In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a municipality is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the municipality.

If the expense and remuneration are not so paid, the Collector may make an order directing the person who has custody of the balance of the municipal fund to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands, and the said person shall be bound to obey such order.

The Collector shall forthwith report to the Commissioner of the division every case in which he uses the powers given to him by this section.

Power of Government to suspend or prohibit levy of objectionable taxes.

41. If it shall at any time appear to the Governor in Council, on complaint made or otherwise, that any toll, cess, tax, fee or other impost leviable by a municipality is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interests of the general public, he may require the said municipality, within such period as he shall fix in this behalf, to take measures for removing any objection which appears to him to exist to the said toll, cess, tax, fee or other impost, and, if, within the period so fixed, such

requirement shall not be carried into effect to the satisfaction of the Governor in Council, he may, by notification in the Bombay Government Gazette, suspend the levy of such toll, cess, tax, fee or other impost, or of such part thereof, until such time as the objection thereto shall be removed.

The Governor in Council may, at any time, by a like notification, rescind any such suspension.

Power of Government to provide for performance of duties in default of municipality.

42. When the Governor in Council is informed, on complaint made, or otherwise, that a municipality has made default in performing any duty imposed on it by or under this Act, the Governor in Council, if satisfied after due inquiry that the municipality has been guilty of the alleged default, may fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the municipality.

If the expense and remuneration are not so paid, the Governor in Council may make an order directing the person who has custody of the balance of the municipal fund to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands, and the said person shall be bound to obey such order.

Power of Government to supersede municipality in case of incompetency, default or abuse of powers.

43. If, in the opinion of the Governor in Council, a municipality is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the Governor in Council may, by an order published, with the reasons for making it, in the Bombay Government Gazette, declare the municipality to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Consequences of exercise of such power.

When a municipality is so superseded, the following consequences shall ensue:—

(*a*) all commissioners of the municipality shall, as from the date of the order, vacate their offices as such commissioners;

(*b*) all powers and duties of the municipality may, during the period of supersession, be exercised and performed by such person or persons as the Governor in Council, from time to time, appoints in that behalf;

(*c*) all property vested in the municipality shall, during the period of supersession, vest in Government.

On the expiration of the period of supersession specified in the order, the

municipality shall be re-established by the election or appointment of new commissioners under the provisions of this Act applicable thereto.

Powers of Government and of the Commissioners of divisions over Collectors, etc.

44. In all matters connected with this Act, the Governor in Council, the Commissioners of divisions and the Collectors shall have and exercise the same authority and control over the Commissioners of divisions, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

V.—Miscellaneous.

Penalty for commissioner, officer or servant of a municipality being interested in any contract, etc., with that municipality.

45. If any commissioner, officer or servant of a municipality has, directly or indirectly, any share or interest in any work done by order of a municipality or in any contract with or under that municipality, he shall be liable, on conviction before a Criminal Court, to a fine which may extend to five hundred rupees :

Provided that the penalty herein prescribed and the disqualification for a municipal commissionership prescribed in section 16, clause (*f*), shall not be deemed to apply by reason only of a person—

(*a*) having a share in any joint-stock company which shall contract with, or be employed by or on behalf of, the municipality, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipality may be inserted, or

(*c*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipality, or

(*d*) being professionally engaged on behalf of the municipality as a legal practitioner.

Nevertheless it shall not be lawful for a person having any share or interest such as is described in the above clauses (*a*) and (*b*) to act as a commissioner in any matter relating to a contract or agreement between the municipality and such company or the manager or publisher of such newspaper.

Municipal commissioners, etc., to be public servants.

46. Every commissioner and every officer and servant of a municipality, and every farmer or agent for the recovery of any toll, cess, tax, fee or other impost on behalf of a municipality, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code [a]. XLV of 1860.

Powers and duties of Government to be discharged in Sindh by the Commissioner.

47. The powers and duties conferred and imposed by this Act on the Governor in Council or the Government, except those so conferred and imposed by sections 13, 38, 39, 43 and 44, shall, in Sindh be exercised and performed by the Commissioner.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

Limitation of suits, etc.

48. No action shall be commenced against any municipality, or against any officer or servant of a municipality, or any person acting under the orders of a municipality, for anything done, or purporting to have been done, in pursuance of this Act, or of the principal Act, without giving to such municipality, officer, servant or person one month's previous notice in writing of the intended action and of the cause thereof, nor after three months from the date of the act complained of;

and in the case of any such action for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered and shall pay all costs incurred by the defendant after such tender.

Bom. VI of 1873.

Amendment of Bombay Act VI of 1873;

49. The following amendments shall be made in the principal Act, namely:—

amendment of section 3;

(*a*) in section 3 the following definition of the word "street" shall be substituted for the existing one, namely:—

[Printed in Vol. II of this Code, p. 140.]

amendment of section 17;

(*b*) in section 17, clause (*c*), before the word "street" insert the word "public", and in clause (*f*) for the words "and spaces" the words "not being portions of provincial high roads or trunk roads specially reserved by Government" shall be substituted;

new clause added to section 21;

(*c*) to section 21 the following clause shall be added, namely:—

[Printed in Vol. II of this Code, p. 142.]

amendment of section 23;

(*d*) in section 23 for the words and figures "local funds district constituted under Bombay Act III of 1869" the words "area subject to the authority of a local board or of a cantonment committee, or out of any public funds" shall be substituted;

new section substituted for section 24;

(*e*) for section 24 the following section shall be substituted, namely:—

[Printed in Vol. II of this Code, p. 143.]

amendment of sections 26 and 57;

(*f*) in clause 2 of section 26, and also in clause 2 of section 57, the words "of the said municipality" shall be substituted for the words and figures "contemplated in section 14 of this Act";

amendment of section 30;

(*g*) for the first portion of section 30, clause 1, down to and inclusive of the words "setting back," the following words shall be substituted, namely:—

[Printed in Vol. II of this Code, p. 146.]

amendment of section 69;

(*h*) in section 69, for the words "as a soap-house, oil-boiling house, dyeing-house, tannery" the words "for salting and curing fish, soap-

making, oil-boiling, dyeing, tanning, or the manufacture of leather or leather goods, or as a" shall be substituted;

amendment of section 84;

(*i*) in section 84, for the word "taxes" the words "cesses or other taxes, and such penalties in addition to the said arrears, not exceeding in any case one-fourth of the amount of the arrear, as shall be adjudged by the said Magistrate, and all arrears of" shall be substituted;

new clause substituted for clause 1 of section 88;

(*j*) for clause 1 of section 88 the following clause shall be substituted, namely:—

[Printed in Vol. II of this Code, p. 165.]

amendment of section 89;

(*k*) in section 89 the words "of the municipality" shall be substituted for the words and figures "required by section 14 of this Act;"

amendment of section 94.

(*l*) in section 94 the word "public" shall be inserted before the word "inspection".

SCHEDULE.

(*See section 3.*)

Enactments.	Subject.	Extent of repeal.
[a] Bombay Act VI of 1873.	For the better management of municipal affairs in mufassal towns and cities.	In section 3 the words and figures "by Regulation XVI of 1827, or" and the definitions of "place" and "bázár". Sections 4 to 16, both inclusive. In section 17, clause (*f*), the two last words. Section 19, clause 1, and section 20. In section 22 the words and figures "The rates of such fees shall be specified in the rules contemplated in section 14 of this Act." Sections 27, 70, 72 and 86. In section 87, clause 2, the words "Collectors and other". Sections 91, 92 and 93. In section 94 the word "similarly". Sections 95, 96, 97, 98 and 99.
Bombay Act I of 1879.	To facilitate the introduction of the Bombay District Municipal Act into Sindh.	The whole.

[a] Printed in Vol. II of this Code, p. 139.